

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**UNITED STATES CELLULAR CORPORATION
AMENDMENT TO PETITION FOR LIMITED WAIVER AND
REQUEST FOR EXTENSION OF DATES FOR COMPLIANCE WITH
MOBILITY FUND PHASE I PUBLIC INTEREST OBLIGATIONS**

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SUMMARY

Following its request in May 2016 for a limited extension of the Mobility Fund Phase I network coverage and drive test reporting deadline, U.S. Cellular has successfully completed nearly all of its remaining MF-I public interest obligations. Most significantly, it has constructed, without any MF-I support, a new cell site at the Cannavinna Road site in Census Tract T53059950500 (the Waiver Census Tract), in order to comply with MF-I network coverage requirements.

Hindsight has made clear, however, that the one-year extension U.S. Cellular requested in its May 2016 Petition was not sufficient to complete the myriad tasks associated with constructing the new cell site at Cannavinna Road, arranging for backhaul to serve the cell site, activating the cell site, undertaking network coverage drive testing, and preparing and submitting drive test results to the Commission. The need for additional time has been accentuated by the fact that U.S. Cellular's efforts to obtain backhaul facilities have been plagued by a series of unexpected and substantial delays.

U.S. Cellular therefore is requesting a further brief extension to enable the installation of backhaul facilities for the Cannavinna Road site. The new cell site cannot be made operational until backhaul facilities are deployed and activated. Unfortunately, unanticipated delays associated with securing a pole attachment permit from a State of Washington public utility district, and a right-of-way permit from the United States Forest Service, have made it impossible to meet the June 25, 2017, deadline requested in U.S. Cellular's Petition, prompting this Amendment to the Petition to request a brief additional extension of the network coverage and drive test reporting deadline for the Waiver Census Tract.

U.S. Cellular has exercised due diligence in timely arranging for the installation of backhaul facilities, in monitoring the backhaul project, and in attempting to expedite the USFS review process, which remains pending. U.S. Cellular has also explored possible alternatives for temporary backhaul facilities for use at the Cannavinna Road site.

The limited extension requested by U.S. Cellular for the Waiver Census Tract, to December 31, 2017, will ensure sufficient time to obtain a right-of-way permit from USFS, and for U.S. Cellular and its contractor to complete all remaining work to install and activate the fiber optic backhaul facilities, to test the operations and functions of the cell site, to conduct drive tests, and to prepare and submit to the Commission a report of the drive test results.

Granting U.S. Cellular's request for a limited extension of the network coverage and reporting deadline will serve the public interest because it will further the Commission's MF-I objectives to accelerate deployment of mobile voice and broadband networks, and to eliminate gaps in mobile services that disadvantage consumers in rural areas. Further, a denial of the requested extension would not be equitable because it would expose U.S. Cellular to possible penalties even though U.S. Cellular has shouldered the task of building the Cannavinna Road cell site without MF-I support, and the cell site is likely to produce only a marginal level of revenues for U.S. Cellular.

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United States Cellular Corporation (“U.S. Cellular”), by counsel and pursuant to Section 1.3 of the Commission’s Rules,¹ hereby amends its Petition for Limited Waiver and Request for Extension of Dates for Compliance with Mobility Fund Phase I Public Interest Obligations (“Petition”),² to request an additional brief extension of the three-year deadline established in the Commission’s rules³ for construction of a network providing fourth generation LTE (“4G”) service,⁴ and for the submission of drive test data.⁵

The extension request made in this Amendment applies only with respect to the following

¹ 47 C.F.R. § 1.3.

² U.S. Cellular, Petition for Limited Waiver and Request for Extension of Dates for Compliance with Mobility Fund Phase I Public Interest Obligations, WC Docket No. 10-90 & WT Docket No. 10-208 (filed May 5, 2016) (“Petition”).

³ 47 C.F.R. § 54.1006(b).

⁴ *Id.*

⁵ 47 C.F.R. § 54.1006(c). U.S. Cellular intends that the request for waiver of Section 54.1006(f) of the Commission’s Rules, 47 C.F.R. § 54.1006(f), made in the Petition also pertains to the request for waiver made in this Amendment. *See* Petition at 2-3.

Census Tract for which U.S. Cellular was a winning bidder in Auction No. 901 for Mobility Fund Phase I (“MF-I”) support.⁶ Census Tract T53059950500 (Skamania County, Washington, SAC 528007) (hereinafter referred to as the “Waiver Census Tract” or “Waiver Tract”). Specifically, U.S. Cellular requests an additional extension, to December 31, 2017, for compliance with the applicable MF-I network coverage and drive test reporting requirements.⁷

I. INTRODUCTION AND BACKGROUND.

The brief further extension sought by U.S. Cellular is necessary because, in retrospect, the additional time projected in the Petition to be required for completion of all the tasks necessary to achieve compliance with MF-I public interest obligations for the Waiver Census Tract, has proven to be insufficient. Importantly, U.S. Cellular has completed construction of a new cell site for the Waiver Tract (the cost of which had not been budgeted in U.S. Cellular’s Auction No. 901 bid), but, nonetheless, it needs additional time to provide for backhaul facilities and to complete further steps necessary to meet the MF-I network coverage and drive test reporting obligations.

The insufficiency of the timeline estimates made in the Petition has been exacerbated by unexpected delays associated with a U.S. Cellular subcontractor’s efforts to obtain permits from Public Utility District No. 1 of Skamania County, Washington (“Skamania PUD”), and from the United States Forest Service (“USFS”). These delays, which could not have been reasonably foreseen by U.S. Cellular, will make it impossible for U.S. Cellular to meet network coverage and

⁶ *Mobility Fund Phase I Support Authorized for 42 Winning Bids*, Public Notice, 28 FCC Rcd 9001 (WTB, WCB 2013) (“*Authorization Public Notice*”) (authorizing support for U.S. Cellular in 22 Census Tracts, and support for USCOC of Central Illinois, LLC, a U.S. Cellular affiliate, in four Census Tracts); *see Mobility Fund Phase I Auction Closes, Winning Bidders Announced for Auction 901*, FCC Public Notice, 27 FCC Rcd 12031, 12045-46 (Attach. A) (2012).

⁷ U.S. Cellular originally sought a one-year extension, from June 25, 2016, to June 25, 2017, for the Waiver Census Tract. Petition at 2.

drive test reporting requirements by the previously requested June 25, 2017, deadline.

U.S. Cellular demonstrates that there is good cause for granting this Amendment to its Petition, and that such a grant is justified on equitable grounds, will advance the Commission's MF-I objectives, and will serve the public interest.

The Petition submitted by U.S. Cellular in May 2016 requested the Commission to waive the requirements of Sections 54.1006(b) and 54.1006(c) of its rules, and to extend the network coverage and applicable drive test reporting deadlines for three census tracts. In addition to the one-year extension it sought for the Waiver Census Tract—the tract in which the Cannavinna Road cellular site (“Cannavinna Road Site” or “Waiver Site”) is located—U.S. Cellular sought a 180-day extension (to December 22, 2016) for Census Tract T53041970100 (due to delays affecting the Lewis County site), and a one-year extension (to June 25, 2017) for Census Tract T53059950200 (due to delays affecting the Dougan Falls North and the Dougan Falls South sites).

U.S. Cellular provided in the Petition a detailed explanation of circumstances that had caused unforeseen construction delays in each of the three census tracts,⁸ and also noted that, “[u]tilizing its considerable experience in designing and deploying mobile wireless networks in 23 states across the Nation, U.S. Cellular is successfully constructing facilities covering at least 75% of unserved road miles in 23 of the 26 Census Tracts for which it was the winning bidder in Auction 901.”⁹ U.S. Cellular submitted drive test data demonstrating completion for 23 of the 26 Census Tracts before the June 25, 2016, deadline.

In addition, U.S. Cellular was successful in meeting the network coverage and drive test

⁸ *Id.* at 5-11.

⁹ *Id.* at 4 (footnote omitted).

reporting requirements for Census Tract T53041970100 and Census Tract T53059950200 before the end of the extension period requested in the Petition.¹⁰ Unfortunately, however, U.S. Cellular's estimate in the Petition of the additional time needed to meet its public interest obligations for the Waiver Census Tract has proven to be optimistic, and, in addition, unforeseeable circumstances have contributed to preventing U.S. Cellular from meeting the June 25, 2017, extended deadline requested in the Petition. These unforeseen circumstances, as well as U.S. Cellular's efforts to address them, are discussed in the following section.

II. AN ADDITIONAL EXTENSION OF THE NETWORK COVERAGE AND DRIVE TEST REPORTING DEADLINE IS NECESSARY TO ENABLE U.S. CELLULAR TO COMPLETE THE INSTALLATION OF BACKHAUL FACILITIES AT THE CANNAVINNA ROAD SITE.

As U.S. Cellular indicated in the Petition,¹¹ in seeking a waiver and requesting an extension of the Section 54.1006 deadline, U.S. Cellular must “articulate a specific pleading, and adduce concrete support, preferably documentary”¹² and must “plead with particularity the facts and circumstances” which warrant the granting of the requested waiver and extension of time.¹³ U.S. Cellular makes the requisite showings for the Waiver Census Tract in this section. In addition, attached to this Amendment as Exhibit A, U.S. Cellular provides a Declaration Under Penalty of Perjury of James Lawrence, U.S. Cellular's Regional Director of Engineering, attesting to the facts and information contained in this Amendment.

¹⁰ U.S. Cellular sought funding disbursements for both census tracts, following its compliance with network coverage and drive test reporting requirements, on December 12, 2016.

¹¹ Petition at 5.

¹² *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, n.9 (D.C. Cir. 1969) (“*WAIT Radio*”), *cert. denied*, 409 U.S. 1027 (1972), *quoted in Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, 16 FCC Rcd 2008 (WCB 2016) (“*WCB 2016 Order*”), at para. 8.

¹³ *Rio Grande Radio Family Fellowship, Inc. v. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968), *quoted in WCB 2016 Order*, 31 FCC Rcd at 2011 (para. 8).

U.S. Cellular stated in the Petition that it had “determined that it would need to build an additional cell site at Cannavinna Road, to cover the three additional road miles needed to achieve 75% coverage in the [Waiver] Census Tract.”¹⁴ U.S. Cellular has been successful in adhering to its schedule for construction of the additional cell site and has completed all work related to the construction of this site, prior to the requested deadline extension of June 25, 2017.¹⁵ Notwithstanding these efforts, however, the extension sought by U.S. Cellular for the Waiver Census Tract in the Petition has proven to be insufficient, and the need for a further extension of the network coverage and drive test reporting deadline for the Waiver Tract has been heightened by unexpected delays related to the installation of backhaul facilities to serve the Cannavinna Road Site.

A. Delays Related to Obtaining Permits Have Complicated Efforts to Deploy Backhaul Facilities to Serve the Cannavinna Road Site.

In order to provide backhaul facilities at the Cannavinna Road Site, U.S. Cellular arranged for the installation of fiber optic network facilities by Northwest Open Access Network (“NoaNet”).¹⁶ U.S. Cellular made this arrangement with NoaNet in a timely manner, submitting an order contract to NoaNet on December 14, 2016, and entering into the contract with NoaNet on January 1, 2017.

One of the tasks for which NoaNet was responsible in connection with its installation of the backhaul facilities involved determining whether regulatory permits or other authorizations

¹⁴ Petition at 9.

¹⁵ The completed work for the Cannavinna Road cell site includes tower set-up; placement of conduit; antenna and line installation; delivery and activation of electrical power; and evolved Node B installation (containing radio transmitters, receivers, control sections, and power supplies).

¹⁶ NoaNet is a wholesale telecommunications provider that operates a fiber network throughout Washington. The network supports 61 last-mile providers that serve more than 260,000 customers. NoaNet Website, accessed at <http://www.noanet.net/technology/about-us.aspx>.

were required for installation of the fiber optic backhaul facilities that will serve the Waiver Site, and, if so, taking the steps necessary to obtain the permits or other authorizations. NoaNet chose to use a third-party vendor—Wave Broadband (“Wave”)¹⁷—to make this determination and to interface with regulatory authorities for purposes of obtaining any required permits or other authorizations. NoaNet entered into this subcontracting arrangement with Wave on January 19, 2017.

One of the initial steps taken by Wave was to carry out an on-site inspection as one means of determining whether the path of the fiber optic backhaul facilities would traverse properties for which permits would have to be obtained from government agencies. Based on its inspection, Wave determined that a pole attachment permit from the Skamania PUD was required, and it filed a request for the permit on February 24, 2017.

The Skamania PUD granted the pole attachment permit on April 12, 2017, but also advised Wave that a right-of-way permit would be required from USFS because a portion of the backhaul facilities provided by NoaNet would be installed along a portion of Wild River Highway, embedded in a right-of-way owned by USFS. Wave’s site inspection had not discovered that the path of the fiber optic cable would pass through USFS property because, at the time of the inspection, signage identifying the area adjacent to the Wild River Highway as USFS property was buried beneath several feet of snow.

Upon being apprised of the need for a USFS right-of-way permit to enable NoaNet to embed fiber optic cable along the Wild River Highway, Wave immediately took action, filing a request for the permit with USFS on April 14, 2017. Although Wave has worked closely with USFS

¹⁷ Wave is a gigabit fiber and broadband services company serving residential and business customers in communities in Washington, Oregon, and California. Wave Website, *accessed at* <http://residential.wave-broadband.com/about/>.

in an effort to gain approval of the permit request, there was no longer sufficient time available to obtain the permit, install the backhaul facilities, and complete other tasks related to cell site activation and testing, and drive testing to gather network coverage data, prior to the June 25, 2017, deadline. In fact, as of the date of the filing of this Amendment, the request for a right-of-way permit remains pending with USFS.¹⁸

As U.S. Cellular progressed with the completion of all facets of the cell site construction at the Waiver Site, it began querying NoaNet, in February 2017, for more detailed information regarding the status of NoaNet's progress in providing backhaul facilities for the Waiver Site. It became evident to U.S. Cellular at this time that the need for a pole attachment permit from the Skamania PUD could significantly compromise U.S. Cellular's ability to meet the MF-I public interest obligations by the June 25 deadline. Moreover, as described above, the requirement for an additional permit from USFS, which became evident in mid-April, cemented the need for a further extension.

B. U.S. Cellular Could Not Have Reasonably Foreseen the Extensive Delays and Impediments That Have Occurred in Connection with Obtaining Permits.

Hindsight makes it evident that U.S. Cellular, in submitting its Petition last year, would have been wise to budget more time for constructing a new cell site for the Waiver Census Tract, and for arranging for backhaul facilities to serve the new site. Although U.S. Cellular has been successful in completing construction of the new cell site, at its own expense, not enough days remained on the calendar to clear all the regulatory hurdles standing in the way of deploying fiber

¹⁸ U.S. Cellular made an engineering decision that a single end-to-end 48ct fiber optic cable would be installed, extending through the entire Waiver Site area, including the USFS right-of-way, rather than first installing the cable in areas of the Waiver Site that do not traverse the right-of-way, and then (after securing the USFS permit), installing cable in the right-of-way, and splicing the installed cables together. As a result of this engineering decision, no fiber optic cable will be installed before USFS issues a permit.

optic backhaul facilities for the site.

U.S. Cellular acted prudently by initiating contract negotiations with NoaNet in mid-December 2016, in entering into the contract on January 1, 2017, and in monitoring the status of NoaNet's work pursuant to the contract. There was no reasonable way that U.S. Cellular could have anticipated the cascading series of delays and impediments that has pushed the schedule well beyond the period of time allotted by U.S. Cellular in the Petition for securing installation of backhaul facilities at the Waiver Site.

If U.S. Cellular had been more conservative in estimating the time needed to construct a new cell site and arrange for backhaul facilities, and if it had been able to envision all the circumstances that would be encountered by the backhaul project, U.S. Cellular's Petition would have requested a more substantial extension. The problematic circumstances surrounding deployment of the backhaul facilities, which could not have been reasonably predicted or anticipated, support U.S. Cellular's request in this Amendment for an additional extension.

C. U.S. Cellular Has Taken Reasonable Steps in Attempting to Address Delays in the Deployment of Backhaul Facilities.

As it became evident that fiber optic backhaul facilities might not be deployed in sufficient time to enable U.S. Cellular to meet network coverage requirements, and to submit drive test reports, on or before the June 25, 2017, extended deadline requested in the Petition, U.S. Cellular sought temporary alternatives for the provision of backhaul facilities for the Cannavinna Road Site, and also dedicated additional resources to obtaining the required right-of-way permit from USFS.

U.S. Cellular explored two options for temporary backhaul facilities because of the roadblocks preventing deployment of fiber optic cables. U.S. Cellular considered utilizing microwave

facilities to provide backhaul for the Cannavinna Road Site, but this option ultimately had to be discarded because engineering analyses conducted by U.S. Cellular demonstrated that it would not be possible to establish sufficient line-of-site connections to the cell tower.

U.S. Cellular also considered making arrangements with HughesNet¹⁹ to use its satellite facilities to provide a temporary backhaul solution. This option, however, ultimately proved to be unworkable. U.S. Cellular engineers who studied the feasibility of a satellite backhaul option concluded that such an arrangement, even if it were possible to put in place, would likely provide a very poor user customer experience, at best.

In addition, U.S. Cellular determined that such a backhaul arrangement, even if it could provide a satisfactory level of service, could not be implemented. In order for satellite backhaul to be feasible, either NoaNet or LSN,²⁰ both of whom provide backhaul services to U.S. Cellular and have facilities at U.S. Cellular's Mobile Telephone Switching Office in Yakima, Washington, would need to have a common meet point with HughesNet. Neither backhaul provider has such a meet point connection with the satellite provider.

Finally, although it was evident at the time Wave requested a right-of-way permit from USFS in mid-April that meeting the June 25 deadline was likely beyond reach, U.S. Cellular nonetheless deployed additional resources in an effort to escalate the USFS permit review process. Specifically, U.S. Cellular assigned its GSS²¹ contractor to work with Wave, and to provide any

¹⁹ Hughes Network Systems, LLC ("HughesNet®"), is a provider of satellite-based communications services.

²⁰ LightSpeed Networks, Inc. ("LSN"), provides integrated telecommunications solutions, including network transport, access, and other services, in the Pacific Northwest region.

²¹ GSS Inc. ("GSS") provides project management services for cell site construction. See GSS Website, accessed at <http://gssmidwest.com/services/>.

needed assistance to Wave, in connection with Wave's effort to secure USFS's issuance of the permit.

D. The Requested Extension of the Section 54.1006 Deadline Is Intended to Ensure That All Network Coverage and Reporting Requirements Will Be Met by the Revised Deadline.

U.S. Cellular is requesting a further extension of the Section 54.1006 deadline for a period of approximately six months, from June 25, 2017, to December 31, 2017. Several factors have been taken into account in devising an extension request that will ensure that required network coverage will be achieved, and that drive test reporting will be made, by the revised deadline.

A significant consideration prompting U.S. Cellular's request is the fact that it remains unclear when USFS will take action on the pending request for a right-of-way permit for the Cannavinna Road Site.²² Although U.S. Cellular is hopeful that the review process and the calculation of charges for use of the right-of-way are nearing final stages, the extension request prudently takes into account the possibility of further continuing delays in the review process.

The requested extension to December 31, 2017, also recognizes the fact that numerous tasks will need to be completed by NoaNet and U.S. Cellular after the right-of-way permit has been granted. A principal task is installation of the fiber optic backhaul facilities, which NoaNet estimates will take approximately 11 weeks.²³ After U.S. Cellular receives the hand-off from NoaNet, U.S. Cellular engineers will need two to three weeks to complete all connections at the

²² In addition to the permit requirement, USFS imposes a recurring charge for use of the right-of-way. The amount of the charge is not standard, but instead is calculated by USFS on a case-by-case basis. This calculation has not yet been completed.

²³ These tasks will include construction related to the fiber backhaul installation; completion of Optical Time Domain Reflectometer testing of the integrity of the fiber optic cables; installation of switch equipment; activation and testing of the fiber; installation of customer premises equipment; and turn-up of the system for testing.

Cannavinna Road Site and to conduct tests of operations and functions at the site. Approximately two additional weeks will be needed for U.S. Cellular network engineers to carry out drive tests and compile data needed for the Section 54.1006(c) report, and an additional week will be required for U.S. Cellular’s corporate engineering group to review and approve the drive test results and for the results to be prepared and filed with the Commission.

III. GRANT OF U.S. CELLULAR’S REQUEST FOR AN ADDITIONAL LIMITED EXTENSION FOR MEETING NETWORK COVERAGE AND DRIVE TEST REPORTING REQUIREMENTS WILL SERVE THE PUBLIC INTEREST.

As U.S. Cellular noted in the Petition,²⁴ the Commission may waive its rules based upon a showing of good cause,²⁵ and it may exercise its discretion to waive a rule where particular facts would make strict compliance with the rule inconsistent with the public interest.²⁶ The Commission may also take into consideration, on a case-by-case basis, factors involving equity, hardship, or more effective implementation of overall policy.²⁷

As explained in the Petition, in the case of the Cannavinna Road Site, U.S. Cellular has been diligent in seeking to overcome substantial and unexpected obstacles. The deadline extension sought in the Petition (to June 25, 2017) was necessitated by the fact that U.S. Cellular determined

²⁴ Petition at 12.

²⁵ 47 C.F.R. § 1.3.

²⁶ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”) (citing *WAIT Radio*, 418 F.2d at 1159).

²⁷ See, e.g., *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Sprint Communications Company, L.P. Petition for Waiver*, CC Docket No. 94-129, Order, DA 00-620 (rel. Mar. 17, 2000), at para. 4 (citing *WAIT Radio*, 418 F.2d at 1157). U.S. Cellular also explained that, in adopting general rules, the Commission is still obligated to seek to advance the “public interest” in particular cases. Petition at 12. The Commission’s authority to waive its rules resembles an obligation—it is a *sine quo non* to its ability to adopt otherwise inflexible rules. The Commission’s waiver authority is a necessary “safety valve” that makes the system work. See *WAIT Radio*, 418 F.2d at 1157, 1159 (noting that “[t]he limited safety valve [provided by the waiver process] permits a more rigorous adherence to an effective regulation”).

it was necessary to construct an additional cell site (which was not included in U.S. Cellular's planning or its original budgeting for its Auction 901 bid²⁸) to meet the coverage requirement for the Waiver Census Tract. U.S. Cellular made the extraordinary commitment to construct the new cell site without utilizing any MF-I support, even though its engineers believe that the Cannavinna Road cell site will be one of the company's lowest grossing revenue sites.²⁹

The Commission's objective for MF-I has been to accelerate deployment of mobile voice and broadband networks,³⁰ and to eliminate gaps in mobile services that disadvantage consumers who live, work, and travel in rural areas.³¹ These objectives—as well as equity and the public interest—would not be served by a denial of the extension sought by this Amendment or by the imposition of any penalties against U.S. Cellular pursuant to Section 54.1006(f) of the Commission's rules.

As U.S. Cellular has demonstrated, it has acted efficiently and successfully in completing construction of the new cell site, and it could not have anticipated that its ability to meet the requested deadline extension of June 25, 2017, would be jeopardized by a plethora of delays related to the installation of backhaul facilities at the Waiver Site. U.S. Cellular acted reasonably, prudently, and in a timely manner in contracting with NoaNet for the backhaul facilities, and in monitoring NoaNet's progress. As delays associated with obtaining Skamania PUD and USFS permits became evident, U.S. Cellular acted with diligence and dispatch in seeking backhaul alternatives

²⁸ Petition at 14.

²⁹ *Id.*

³⁰ *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17675 (para. 28) (2011), *aff'd sub nom. In re FCC 11-161*, 703 F.3d 1015 (10th Cir. 2014), *cited in* Petition at 13 n.23.

³¹ *Id.* at 17773-74 (para. 301).

and in dedicating additional resources to the USFS review process.

Denying U.S. Cellular's request for a limited additional extension of the Section 54.1006 deadline would not be equitable, nor would it serve the public interest. Such a denial would expose U.S. Cellular to the risk of penalties³² notwithstanding the facts that network deployment has been accomplished in the Waiver Census Tract, that U.S. Cellular and its contractors have exercised due diligence in seeking a right-of-way permit from USFS, that delays in the petition review process could not have been reasonably foreseen, that U.S. Cellular has acted responsibly in seeking backhaul alternatives and in attempting to work with USFS to complete the review process, and that U.S. Cellular has committed its own resources to construct a new cell site in order to achieve compliance with the Section 54.1006(b) coverage requirements, even though the cell site is not likely to generate any appreciable level of revenues for U.S. Cellular.

IV. CONCLUSION.

U.S. Cellular respectfully submits that it has demonstrated good cause for a grant of a further limited extension of the Section 54.1006 deadline, and that a grant of the amended Petition

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³² Section 54.1006(f) provides that a winning bidder that fails to comply with Section 54.1006 public interest obligations "will be subject to repayment of the support disbursed together with an additional performance default payment. Such a winning bidder may be disqualified from receiving Mobility Fund Phase I support or other USF support."

will be in the public interest. U.S. Cellular therefore respectfully requests that the amended Petition be granted.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

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June 23, 2017

EXHIBIT A

DECLARATION UNDER PENALTY OF PERJURY

DECLARATION UNDER PENALTY OF PERJURY

I, James Lawrence, hereby declare under penalty of perjury as follows:

1. I am the Regional Director of Engineering for United States Cellular Corporation ("U.S. Cellular").

2. This Declaration is submitted in support of the Amendment to Petition for Limited Waiver and Request for Extension of Dates for Compliance with Mobility Fund Phase I Public Interest Obligations ("Amendment"), to be filed with the Commission by U.S. Cellular on June 23, 2017.

3. I declare under penalty of perjury, pursuant to Sections 502 and 503(b) of the Communications Act of 1934 and Section 1001 of Title 18, United States Code, that the facts and information contained in the foregoing Amendment are true and correct to the best of my knowledge.

Executed on the 19th day of June, 2017.

A handwritten signature in black ink, appearing to read 'James Lawrence', is written over a horizontal line.

James Lawrence
Regional Director of Engineering
United States Cellular Corporation